

STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH

CHESHIRE, SS.

SUPERIOR COURT

213-2021-CV-00186

DAVID TROUP

v.

NORMAN CALVIN COBB, JR.

v.

CLARK TRANSFER, INC.

**COMPLAINT AND JURY CLAIM**

1. The Plaintiff, David Troup, ("Mr. Troup"), is an individual residing at 5000 East 74<sup>th</sup> Avenue, Commerce City, Colorado.
2. The Defendant, Norman Calvin Cobb, Jr., ("Mr. Cobb") is an individual with a last and usual place of residence at 262 Route 9, West Chesterfield, Cheshire County, New Hampshire.
3. On June 10, 2021, Mr. Cobb operated a tractor trailer, USDOT#31782, registered to Clark Transfer Inc., (Cobb tractor trailer)
4. The Defendant, Clark Transfer, Inc., ("Clark"), is a corporation, incorporated in Delaware, with a principal place of business of 800 Paxton Street., #1, Harrisburg, PA 17104.

**FIRST CLAIM FOR RELIEF - NEGLIGENCE**

5. On or about June 10, 2021, Mr. Troup was operating a tractor trailer owned by his employer, Denny Transport Ltd., with due care, travelling eastbound on Route 9 in Chesterfield, New Hampshire.
6. At the same time and place, Mr. Cobb, negligently and carelessly operated his tractor trailer while backing across Route 9 into a driveway.

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7. Mr. Cobb had a duty to keep the motor vehicle that he was operating under control, to drive it in a safe and prudent fashion, to yield to traffic, and otherwise operate his vehicle in compliance with the statutory and common laws of the State of New Hampshire.
8. Regardless of these duties, on June 10, 2021, Mr. Cobb negligently and carelessly operated his motor vehicle where a portion of his tractor trailer blocked Mr. Troup's lane of travel, causing Mr. Troup's vehicle to strike Mr. Cobb's tractor trailer.
9. As a result of Mr. Cobb's negligence, Mr. Troup suffered serious injuries and incurred reasonable and necessary expenses for medical and hospital care as well as lost wages and lost earning capacity. Mr. Troup will continue to incur necessary and reasonable medical expenses and loss of employment in the future.
10. As a result of the negligent acts of Mr. Cobb, Mr. Troup has sustained great pain of body and mind, continues to suffer such pain and loss of enjoyment of life, and injuries permanent in nature.

**SECOND CLAIM FOR RELIEF: VICARIOUS LIABILITY (Clark)**

11. Mr. Troup restates, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 10 of his complaint.
12. Mr. Cobb drives solely and exclusively for Clark.
13. On June 10, 2021, and at all relevant times, Mr. Cobb was operating the tractor trailer on behalf of Clark.
14. On June 10, 2021, Mr. Cobb was acting as the agent, servant, and or within the scope of his employment, with Clark.

15. On June 10, 2021, while acting within the scope of his employment, Mr. Cobb negligently and carelessly operated his vehicle while backing up causing Mr. Troup's vehicle to strike Mr. Cobb's vehicle.
16. As a result of the negligence and carelessness of Mr. Cobb, for whose conduct Clark is legally responsible, Mr. Troup suffered serious injuries, incurred reasonable and necessary expenses for medical and hospital care as well as lost wages and lost earning capacity. Mr. Troup will continue to incur necessary and reasonable medical expenses and loss of employment in the future.
17. As a result of the negligent acts of Mr. Cobb, Mr. Troup has sustained great pain of body and mind, continues to suffer such pain and loss of enjoyment of life, and injuries permanent in nature.

**WHEREFORE**, the Plaintiff, David Troup, demand judgement against the Defendants for the following damages:

- A. Past, present, current and future medical bills;
- B. Pain and suffering;
- C. Loss of earnings;
- D. Lost earning capacity;
- E. Reasonable costs and interest;
- F. Any other such relief as this Court deems just and equitable.

**PLAINTIFF DEMANDS JURY TRIAL ON ALL ISSUES.**

Respectfully submitted,  
David Troup  
By his attorney,

Dated: December 9, 2021

/s/ Janet E. Dutcher

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